

REMARKS

The Final Office Action of October 8, 2010 has been carefully reviewed. Applicant respectfully requests the Examiner to reconsider the rejections and allow the pending claims in view of the following remarks.

Claims 1-23, 26, and 27 were pending. Claims 24 and 25 were previously canceled. No claim amendments are presented with this response. Therefore, claims 1-23, 26, and 27 are currently pending.

Interview

Applicant appreciates the Examiner's time and comments during a telephone interview conducted on November 23, 2010 with Applicant's attorney. The substance of the interview is captured in Applicant's remarks herein.

Rejected Claims

The Final Office Action rejected claims 1, 26, and 27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 7,072,865 (Akiyama). Claims 2-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Akiyama in view U.S. Patent Application Publication 2005/0015583 (Sarkkinen). Claims 2-22 depend from claim 1. Therefore claims 1-22, 26, and 27 stand or fall on the application of Akiyama to independent claims 1, 26, and 27. Claim 23 stands or falls on the application of the combination of Akiyama and Sarkkinen to claim 23.

Akiyama fails to anticipate claims 1-22, 26, and 27 because Akiyama fails to teach multicast service activation data. Claims 1, 26, and 27 read:

1. A multicast content accessing method for use on a user device, wherein a multicast service provides the multicast content, comprising:

receiving multicast service activation data over a network;
generating on the user device a broadcast key;
sending from the user device the generated broadcast key over a network;
wherein the generated broadcast key indicates that multicast content is to be provided to the user device.

26. A multicast content accessing apparatus for use on a user device, wherein a multicast service provides the multicast content, comprising:
a data storage mechanism that stores user identification key and multicast service activation data;
key generation operation instructions configured to generate on the user device a broadcast key based upon the stored user identification key and the multicast service activation data;
instructions configured to send from the user device the generated broadcast key over a network;
wherein the generated broadcast key indicates that multicast content is to be provided to the user device.

27. A multicast content accessing apparatus for use on a user device, wherein a multicast service provides the multicast content, comprising:
means for receiving multicast service activation data over a network;
means for generating on the user device a broadcast key;
means for sending from the user device the generated broadcast key over a network;
wherein the generated broadcast key indicates that multicast content is to be provided to the user device.

(Emphasis added). As shown above, claims 1, 26, and 27 require multicast service activation data. In contrast, Akiyama is directed to broadcast receiving methods:

It is an object of the present invention to provide a broadcast receiving method, which can provide secure pay broadcast services, which can prevent wrong audience without pressing the broadcast band even when the number of subscribers increases, a broadcast receiving apparatus using the method, an information distributing method, and an information distributing apparatus using the distributing method.

Akiyama, col. 2, ll. 36-43 (emphasis added). As shown above, Akiyama is directed to a broadcast receiving method. Akiyama fails to disclose multicast communication. It is well known that a broadcast communication is directed to all subscribers, while a multicast communication is directed to multiple specific users. See for example [0032] of

Applicant's published application. Therefore, Akiyama fails to teach or disclose multicast service activation data. In addition, Akiyama fails to teach or disclose sending from the user device the generated broadcast key. Akiyama's receiver apparatus receives keys and sends a response packet, the response packet comprises a generated signature, not a key:

If the challenge is a signature generation inquiry (step S113), the response generator 154 acquires a challenge information segment as data to be signed (step S121), acquires a secret key stored in a secret key storage 153 of the receiver apparatus (step S122), and generates a signature for the challenge information segment (step S123). The generated signature is converted into the format of a response information segment in accordance with the predetermined format, and is sent in the form of a response packet to the center (steps S123 to S125). If the challenge applies to none of the above three challenges, an error message is sent to the center (step S114).

Akiyama, col. 15, ll. 41-52 (emphasis added). As shown above, the receiver apparatus sends a generated signature, not the key. Akiyama's receiver apparatus is a set top cable box configured to decode received programs. There is no need for the set top box to send a key to the control center, because the control center is sending the encrypted data to the receiver apparatus. Thus, Akiyama's receiver apparatus does not send keys that it generates. As such, Akiyama fails to teach or disclose at least two elements of claims 1, 26, and 27 and consequently fails to anticipate claims 1-22, 26, and 27.

Claim 23 contains elements similar to claim 1. Claim 1 is allowable in light of Akiyama for the reasons given above. Sarkkinen fails to remedy Akiyama's shortcomings. Therefore, the combination of Akiyama and Sarkkinen fails to teach an element of claim 23 and consequently fails to anticipate claim 23.

CONCLUSION

The Applicant respectfully submits that the Application, in its present form, is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, the Examiner is encouraged to telephone the undersigned at (972) 731-2288. The Applicant intends this communication to be a complete response to the Final Office Action mailed October 8, 2010.

The Commissioner is hereby authorized to charge payment of any fee associated with any of the foregoing papers submitted herewith or any fees during the prosecution of the present case to Deposit Account No. 50-1515, Conley Rose, P.C.

Respectfully submitted,

CONLEY ROSE, P.C.

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